

HOUSE BILL REPORT

SSB 5199

As Reported by House Committee On:
Environmental Health

Title: An act relating to public water supply system operators.

Brief Description: Modifying provisions regarding the operators of public water supply systems.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Morton, Rockefeller and Shin; by request of Department of Health).

Brief History:

Committee Activity:

Environmental Health: 3/18/09, 3/25/09 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House)**

- Clarifies the authority of the Department of Health to certify and revoke or suspend certification for backflow assembly testers and cross-connection control specialists working with public water systems.

HOUSE COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: Do pass as amended. Signed by 9 members: Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson, Finn, Hudgins, Kretz and Rolfes.

Minority Report: Without recommendation. Signed by 1 member: Representative Dunshee.

Staff: Pam Madson (786-7111)

Background:

Operators of a public water system must be certified if the system serves 15 or more connections or serves an average of 25 or more people during a 60-day period in a year. A

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public water system is a system providing piped water for human consumption including collection, treatment, storage, or distribution facilities. A certified operator is the person in charge of the technical operation of the system or a major part of the system.

Any examination required for certification must be offered in each region in which the Department of Health (DOH) has a regional office. A certificate may be revoked, after a hearing, if the certificate was obtained by fraud, if the operator commits gross negligence in the operation of a purification plant or distribution system, or if the operator violates laws on water system operation or rules or orders of the DOH.

A cross-connection is a physical link between a drinking water system and a potential source of contamination. Backflow conditions can occur when pressure in the system is such that water from a potential source of contamination is introduced into the public water system. Cross-connection control programs are required for public drinking water systems to prevent this from occurring. Backflow preventers are used to help isolate potential sources of contamination. Under the Uniform Plumbing Code, homeowners must install backflow preventers to protect the homeowner's plumbing system from contamination.

The definition of a Group A water system in state law is not consistent with the definition in the federal Safe Drinking Water Act. The state definition excludes a system that serves fewer than 15 residences regardless of the number of people served. This is not consistent with that portion of the definition that includes a system that serves an average of 25 or more people per day regardless of the number of service connections. A system could have fewer than 15 connections but serve more than 25 people.

Summary of Amended Bill:

The operators of a public water system must be certified by the DOH. Operators include backflow assembly testers and cross-connection control specialists.

Any examination required for certification must be offered in both eastern and western Washington, rather than in each region in which the DOH has a regional office. In addition to the current grounds for revoking or suspending a certification, the Secretary of the DOH may revoke or suspend an operator's certificate for committing fraud or gross negligence in operating a public water system or for fraud or gross negligence in inspecting, testing, maintaining, or repairing backflow assemblies, devices, or air gaps intended to protect a public water system from contamination.

Reference to the exclusion of a water system serving fewer than 15 residences is removed from the definition of a Group A water system, making the state definition consistent with federal law.

Amended Bill Compared to Original Bill:

The amendment clarifies that requirements for specialty plumbers apply to backflow assembly testers who work on the system inside a building.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The DOH has been certifying and overseeing operators of water systems for over 30 years. They are critical to public health and the safety of drinking water. This is an agency request bill to clarify agency authority in three areas. Cross-connection control specialists have been certified since 1978 and backflow assembly testers have been certified since 1994. The authority for certification is general authority to certify operators of water systems or parts of water systems. Secondly, revocation of certification is based on negligence in operation of a purification plant or distribution system. The bill clarifies the ability to suspend or revoke certification for negligence anywhere in the system. Cross-connection control can be on the other side of the service meter, which is not considered part of the distribution system. The hearing requirement before suspension or revocation under fraud or negligence is removed but due process is still provided in other laws and rules that apply when a certificate is revoked or suspended. The third area is the definition of a public water supply. It is changed to conform to the federal definition in U.S. Environmental Protection Agency rules.

(Opposed) None.

Persons Testifying: Gregg Grunenfelder, Department of Health.

Persons Signed In To Testify But Not Testifying: None.